IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.5881 OF 2006

Shri Ganpat Gayanba Raut .. Petitioner.
Vs.
Shri Jagdishchandra Gangaram Gorade .. Respondent.

Mr.P.J.Pawar for the petitioner.
Mr.for the respondent.

CORAM : D.B.BHOSALE, J.

DATED : 4TH SEPTEMBER, 2006

P.C.:

. Heard learned counsel for the petitioner.

2. The petitioner has impugned the order dated 27.7.2006 passed in the trial Court rejecting the application filed by the petitioner under Order XXVI Rule 9 of the Code of Civil Procedure for appointment of the Court Commissioner. The petitioner sought appointment of the Court Commissioner to inspect the entire building for taking measurement of all the rooms, shops in building and to find out how many of them are vacant. The suit premises in occupation of the petitioner is only one room. Keeping that in view the trial Court has rightly rejected the application. I see no reason to exercise the writ jurisdiction under Article 227 of the Constitution of India. The petition is dismissed.

(D.B.Bhosale, J.)